

UNITED STATES DISTRICT COURT
for the
District of MASSACHUSETTS

United States of America)	
v.)	
SHELTON C. TERRY)	Case No: <u>05cr10202-001-rwz</u>
)	USM No: <u>25696-038</u>
Date of Previous Judgment: <u>1116/06</u>)	<u>Christie Charles, Esquire</u>
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____	Amended Offense Level: _____
Criminal History Category: _____	Criminal History Category: _____
Previous Guideline Range: _____ to _____ months	Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): _____

III. ADDITIONAL COMMENTS

SEE ATTACHED

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 7/22/08

s/ Rya W. Zobel
Judge's signature

Effective Date: _____
(if different from order date)

Rya W. Zobel, US District Judge
Printed name and title

Defendant was sentenced for possessing with intent to distribute 13.63 grams of cocaine base. That amount yielded at the time of sentencing, a total offense level (after reduction for acceptance of responsibility) of 23. Defendant's very long record qualified him as a career offender which resulted in a total offense level of 34 (again, after accounting for acceptance of responsibility), a criminal history category of VI and a guideline range of 262-327 months. The sentence imposed was 188 months, 74 months less than the low end of the range.

Even were defendant correct that he is eligible for a reduction of sentence, I do not believe a further reduction is appropriate.